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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,475	02/01/2001	Maurice V. Garoutte	81209-88005	4145

7590 06/23/2004
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EXAMINER

CHOOBIN, BARRY

ART UNIT PAPER NUMBER

2625

DATE MAILED: 06/23/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,475

Applicant(s)

GAROUTTE

Examiner

Barry Choobin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4,7-9,12,13,16,17,21 and 22 is/are rejected.
- 7) ☒ Claim(s) 5,6,10,11,14,15 and 18-20 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on February 1, 2001 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Drawings

2. Color photographs and color drawings are acceptable only for examination purposes unless a petition filed under 37 CFR 1.84(a)(2) is granted permitting their use as acceptable drawings. In the event that applicant wishes to use the drawings currently on file as acceptable drawings, a petition must be filed for acceptance of the color photographs or color drawings as acceptable drawings. Any such petition must be accompanied by the appropriate fee set forth in 37 CFR 1.17(h), three sets of color drawings or color photographs, as appropriate, and, unless already present, an amendment to include the following language as the first paragraph of the brief description of the drawings section of the specification:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

Color photographs will be accepted if the conditions for accepting color drawings have been satisfied.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 7-9, 12-13, 16 are rejected under 35 U.S.C. 102(e) as being anticipated by MacCormack et al (US 6,031,573).

As to claim 1, MacCormack et al disclose a method for real-time analysis of video image data, said method comprising the steps of: (a) performing a single pass through a frame of said video image data (column 3, lines 28-44); and (b) generating a terrain map from said pass through said frame of said video image data (column 33, lines 11-24, map generator 1124), said terrain map comprising a plurality of parameters wherein said parameters indicate the content of said video image data (column 35, lines 31-45).

As to claim 2, MacCormack et al disclose the method according to claim 1 (see claim 1 above), wherein said parameters are generated by color space calculations (Fig.38, 1086), said color space calculations comprising a color degree parameter which measures how far a color is from gray scale (column 32, lines 20-33).

As to claim 3, MacCormack et al disclose the method according to claim 1 (see claim 1), wherein said parameters are generated by color space calculations, said color space calculations comprising a color direction parameter which measures color based on a two-dimensional color analysis (column 26, lines 1-14).

As to claims 7 and 8, MacCormack et al disclose a horizontal smoothness parameter which measures a consistency of change in horizontal direction from a lowest pixel to a highest pixel in said frame of said video image data (column 28, lines 43-55).

As to claim 9, MacCormack et al disclose a jaggy ness parameter which measures an offset in pixels between odd and even fields for a target segmented from said frame of said video image data (column 46, lines 28-64).

As to claim 12, MacCormack et al disclose analysis recognizes at least one event which defines the presence of or change in a target within said video image data (detecting motion corresponds to change in a target within video image data).

As to claim 13, MacCormack et al disclose one or more of the following: presence of a single person; presence of multiple people; fast person; fallen person; lurking person; erratic person; converging people; presence of a single vehicle; presence of multiple vehicles; fast vehicle; or sudden stop vehicle (Fig.12).

As to claim 16, the limitations in claim 16 are combined in claims 1-3. Therefore, the rejection for said claims applies to claim 16 too.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the

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subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over MacCormack et al in view of Brady et al (US 5,761,326).

As to claim 4, MacCormack et al disclose the method according to claim 1 (see claim 1).

But MacCormack does not disclose expressly an average altitude parameter which measures an average value of four pixels in the center of a 2.times.2 kernel in said frame of said video image data.

Brady et al disclose average altitude parameter which measures an average value of four pixels in the center of a 2.times.2 kernel in said frame of said video image data (column 12, lines 34-46).

MacCormack et al and Brady et al are combinable because they are from same field of endeavor of tracking objects in images provided by real time video.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to measure an average value of four pixels in the center of a 2.times.2 kernel in said frame of said video image data of Brady et al with MacCormack et al to reduce the resolution of a region of interest (column 12, lines 34-36).

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The suggestion/motivation for doing so would have been to reduce the data to increase the speed of processing the information of tracking (column 12, lines 34-36).

Therefore, it would have been obvious to combine Brady et al with MacCormack et al to obtain the invention as specified in claim 4.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 17 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brady et al.

As to claim 17, Brady et al disclose computer system for automated screening of security cameras, said computer system in communication with a plurality of video cameras and comprising real-time image analysis components wherein video image

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data from said video cameras is analyzed by said image analysis components and said video image data is then selectively presented to an operator for security monitoring (column 3, line 61- column 4, line 9. Although Brady does not expressly disclose screening of security cameras. But Brady is concern with traffic management and generated alarm. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use Brady invention in security field.

As to claims 21-22, the Examiner takes Official Notice (these feature are readily available in major department stores security control room).

Allowable Subject Matter

9. Claims 5-6, 10-11, 14-15, 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6546120 to Etoh et al.

US 6628323 to Wegmann.

US 6493022 to Ho et al.

US 6591006 to Niemann.

US 6707486 to Millet et al.

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CONTACT INFORMATION


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry Choobin whose telephone number is 703-306-5787. The examiner can normally be reached on M-F 7:30 AM to 18:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Barry Choobin

June 22, 2004


BHAVESH M. MEHTA
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